

## § 234.1

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### Subpart F—Tier II Separation Allowance Lump-Sum Payment

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## Subpart A—General

### § 234.1 Introduction.

This part contains information about the various lump-sum payments payable under sections 6(a)(1) through 6(d)(2) of the 1974 Act.

### § 234.2 Definitions.

As used in this part:

*Applicant* means the person who signs an application for an annuity or lump-sum for himself, herself or for some other person.

*Apply* means to sign a form or statement that the Board accepts as an application.

*Burial expenses* means expenses in connection with the actual burial or other disposition of the remains of the deceased employee.

*Eligible* means a person meets all the requirements for payment of an annuity or a lump-sum, but has not yet applied.

*Employee* means any person who is working or has worked for a railroad employer.

*Entitled* means a person who meets all the requirements for an annuity or a lump-sum, and has applied.

*Equitably entitled person* means the person whose funds were used to pay the burial expenses of a deceased employee.

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*Lump-sum* means any non-recurring payment due because of an employee's or beneficiary's death.

*Person* means an individual, partnership, trust estate, association, corporation, government unit, or estate of a deceased individual.

*Reimbursable burial expenses* means that part of the burial expenses not previously reimbursed by another Federal agency.

### Subpart B—Lump-Sum Death Payment

#### § 234.10 General.

A lump-sum death payment (LSDP) is payable when an employee with ten or more years of railroad service and a current connection with the railroad industry dies and is not survived by an individual who is eligible for a monthly annuity in the month the employee died. The amount of the LSDP and the priority for payment depend upon when the employee acquired his or her 120th month of railroad service. If the employee acquired the 120th month of railroad service after 1974, a 1974 Act lump-sum death payment is payable to the employee's widow(er). If the employee acquired the 120th month of railroad service before 1975, a 1937 Act lump-sum death payment is payable to the employee's widow(er), the funeral home or the payer of the employee's burial expenses. An application for an LSDP must be filed within two years after the employee's death.

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#### § 234.11 1974 Act lump-sum death payment.

(a) The total amount of the 1974 Act LSDP is payable to the employee's widow(er), if she or he was "living in the same household" as the employee at the time of the employee's death. (Refer to § 234.21 for an explanation of "living in the same household.")

(b) The amount of the 1974 Act LSDP is equal to three times the amount of the PIA, as determined by section 215 of the Social Security Act, or \$255.00, whichever is less.